



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 167 [2003 Assembly Bill 326]	Burial Agreements Funded With Trust Funds or Life Insurance Proceeds
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

Under *current law*, under certain circumstances, funeral directors and persons who operate funeral establishments are allowed to sell funeral services and merchandise that are purchased with trust funds or the proceeds of life insurance policies that are made available upon the death of the purchaser. A copy of a death certificate may be required to make the trust funds or life insurance proceeds available.

However, *current law* prohibits, with certain exceptions, a person from copying a vital record, including a death certificate.

2003 Wisconsin Act 167 requires the Department of Health and Family Services to prescribe an “affidavit of death” form for the purpose of releasing burial agreement trust funds to a beneficiary or establishing proof of death for payment of benefits of a life insurance policy. The newly created “affidavit of death” form allows for release of these funds or proceeds from a financial institution or insurer without a copy of a death certificate, so long as the financial institution or insurer consents to receipt of the affidavit.

Effective Date: The effective date of 2003 Wisconsin Act 167 is April 20, 2004.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.